IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2185 OF 2004

Arun Namdeo Ghanwat ..Petitioner

Vs.

Sunita Arun Ghanwat & Anr. ..Respondents

Mr.P.J.Pawar for the petitioner

Mr.Vishwanath Talkute for respondent no.1

CORAM : S.U.KAMDAR, J
DATED : 16TH NOVEMBER, 2005

P.C.:

1. In the present petition, an interim order passed by the family Court dt.5.2.03 is challenged. By the said interim order, the court has permitted the monthly maintenance at the rate of Rs.1300/- to the applicant and Rs.800/- to her daughter from the date of petition. The only ground of challenge is that under section 24 of the Hindu Marriage Act, a person is entitled to monthly maintenance only from the date of application and not from the date of the petition. Section 24 of the Hindu Marriage Act reads as under:

> Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly, during the proceeding such sum as the income of the respondent, it may seem to the court to be reasonable.

2. The said section does not any where provide that the courts power to grant maintenance is restricted only from the date of application. The words 'on the application of wife or husband' appearing in section 24 means that there needs to be an application for interim monthly alimony then only the court is empowered to grant the same. I do not see any provision of section 24 restricts that it should be only from the date of the application. In that view of the matter, Petition is dismissed. No order as to costs.